

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BLEAKLEY PLATT & SCHMIDT, LLP

**One North Lexington Avenue
White Plains, New York 10601
(914) 949-2700**

Attorneys of Record for Defendants:

Joseph DeGiuseppe, Jr. (JD 6376)

Michael P. Benenati (MPB 9669)

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JOHN W. BUCKLEY,

Plaintiff,

**Case No. 07 Civ. 6775
(SCR) (GAY)**

-against-

PHILIPS ELECTRONICS NORTH AMERICA
CORPORATION, PHILIPS SEMICONDUCTOR
MANUFACTURING, INC., NXP
SEMICONDUCTORS AND PHILIPS
ELECTRONICS NORTH AMERICA DEFINED
BENEFIT PENSION PLAN,

**AFFIDAVIT OF JOSEPH
DeGIUSEPPE, JR., IN
SUPPORT OF
DEFENDANTS' MOTION
TO DISQUALIFY
PLAINTIFF'S COUNSEL**

Defendants.

-----X

STATE OF NEW YORK)
) ss:
COUNTY OF WESTCHESTER)

JOSEPH DeGIUSEPPE, JR., an attorney duly admitted to practice law before the
Courts of the State of New York and before this Court, being duly sworn, deposes and says:

1. I am a partner with the law firm of Bleakley Platt & Schmidt, LLP, counsel of
record for defendants, and as such, I am fully familiar with the facts and circumstances contained
herein.

2. This Affidavit is submitted in support of the motion of defendants Philips
Electronics North America Corp., NXP Semiconductors USA, Inc, and Philips Semiconductors

Manufacturing, Inc. (“PSMI”) (collectively, “Defendants”) to disqualify Plaintiff’s recently retained counsel, Christopher A. D’Angelo, Esq., and his firm on the grounds that he “ought to be called as a witness” in the above-cited litigation pursuant to the mandate of Disciplinary Rule 5-102(A) of the New York Lawyer’s Code of Professional Responsibility.

3. Attached as Exhibit A to this Affidavit is a true and correct copy of the Amended Complaint, dated April 21, 2008.

4. Attached as Exhibit B to this Affidavit is a true and correct copy of the Settlement and General Release Agreement, dated December 8, 2004, as previously produced in this action.

5. Annexed hereto as Exhibit C is a true and correct copy of the Defendant’s Answer to the Amended Complaint.

6. Annexed hereto as Exhibit D is a true and correct copy of a letter, dated December 10, 2004, from Christopher A. D’Angelo, Esq., to James N. Casey, Esq., of Philips Semiconductors, as previously produced with Plaintiff’s discovery responses in this action.

7. Annexed hereto as Exhibit E is a true and correct copy of my letter, dated July 21, 2008, to Christopher A. D’Angelo, Esq., requesting him to withdraw as Plaintiff’s counsel pursuant to DR 5-102(A).

8. Annexed hereto as Exhibit F is a true and correct copy of a letter, dated July 25, 2008, from Christopher A. D’Angelo, Esq., to the undersigned declining my request for him to withdraw as Plaintiff’s counsel.

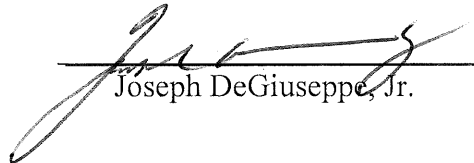
9. Annexed hereto as Exhibit G is a true and correct copy of Plaintiff’s Resume, as produced with Plaintiff’s discovery responses in this action.


10. Annexed hereto as Exhibit H is a copy of *Multi-Juice, S.A. v. Snapple Beverage Corp.*, 2003 U.S. Dist. LEXIS 7040, at *7-8 (S.D.N.Y. 2003), cited in Defendants' accompanying memorandum of law.

11. Annexed hereto as Exhibit I is a copy of *Gandler v. Nazarov*, 1994 U.S. Dist. LEXIS 10236, at *2 (S.D.N.Y. 1994), cited in Defendants' accompanying memorandum of law.

12. The Court is respectfully referred to the accompanying memorandum of law which contains a recitation of the procedural history of the instant action and the relevant facts.

13. I have reviewed the foregoing paragraphs and they are true to the best of my knowledge.


Joseph DeGiuseppe, Jr.

Sworn to before me this
 day of August, 2008


Notary Public

MARYBETH BELLES
Notary Public, State of New York
No. 01BE4947056
Qualified in Westchester County
Commission Expires

8.6.11